

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD ROSARIO, :  
Plaintiff, : 18 Civ. 4023 (LGS)  
-against- :  
CITY OF NEW YORK, et al., :  
Defendants. :  
: X  
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on July 19, 2022, Defendants filed a letter motion to compel Plaintiff to produce communications with non-party witnesses (Dkt. No. 408).

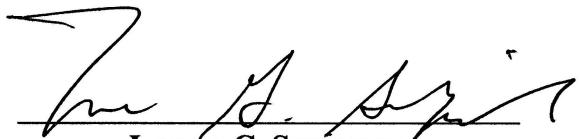
WHEREAS, Plaintiff's expert was directed to review Plaintiff's phone, and if the expert identified any responsive communications, Plaintiff was directed to produce such communications, including any corresponding metadata, by July 22, 2022.

WHEREAS, on July 23, 2022, Defendants filed, under seal, a successive motion to compel Plaintiff's communications with non-party witnesses on the ground that Plaintiff's production was incomplete. It is hereby

**ORDERED** that by **July 24, 2022**, Plaintiff shall file a response to Defendants' letter motion that (i) provides an explanation as to why the expert could not identify or retrieve responsive communications between Plaintiff and John Torres, and the extent to which further investigation by the expert or another expert might be fruitful; (ii) explains the extent to which Plaintiff was instructed not to destroy potentially responsive communications during the course of this action; and (iii) states whether there are any additional, substantive responsive communications between Plaintiff and/or Plaintiff's counsel and non-party witnesses relating to this case that have not been produced. It is further

**ORDERED** that by **July 27, 2022**, Plaintiff shall file a letter explaining why Defendants' letter motion and accompanying exhibits should be afforded confidential treatment.

Dated: July 23, 2022  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**